

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1668**

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**Introduced by Assembly Member Leno**

February 23, 2007

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~~An act to add Section 11541.1 to the Government Code, relating to~~  
*An act to add Section 11543.5 to the Government Code, and to add*  
*Section 12103.6 to the Public Contract Code, relating to information*  
technology.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1668, as amended, Leno. Information technology: use of approved open file format software.

Existing law sets forth the requirements for the acquisition of information technology goods and services, and establishes the duties and responsibilities of the State Chief Information Officer, *the Department of Technology Services, and the Department of General Services*.

~~This bill would require state agencies and departments to only create, exchange, maintain, and preserve all electronically produced text documents, spreadsheets, and presentations, and to accept this type of information, in an open file format approved by the State Chief Information Officer. The bill would further set forth the criteria for the State Chief Information Officer to approve an open file format and to create guidelines for state agencies and departments to follow in determining whether to convert electronic text, spreadsheets, and~~

~~presentations existing before January 1, 2008, to an approved open file format.~~

*This bill would require the Director of Technology Services, in conjunction with the State Chief Information Officer and other specified state entities, to implement a project examining the use of an open file format with no more than 3 state agencies or departments. This bill would also require the Department of General Services, in consultation with the State Chief Information Officer, to consider specific modifications to the standards used for the state to acquire information technology and to report its findings to the Legislature no later than October 1, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11543.5 is added to the Government Code,  
2     to read:

3     11543.5. The Director of Technology Services, in conjunction  
4     with the State Chief Information Officer, the Legislative Analyst,  
5     and the Office of Legislative Counsel, or their designees, shall  
6     conduct a demonstration project to examine the use of an open  
7     file format by state agencies and departments for creating,  
8     exchanging, maintaining, and preserving electronically produced  
9     text documents, spreadsheets, and presentations. The  
10    demonstration shall be conducted in up to three agencies or  
11    departments of state government.

12    SEC. 2. Section 12103.6 is added to the Public Contract Code,  
13    to read:

14    12103.6. (a) The department, in consultation with the State  
15    Chief Information Officer, shall consider modifications to the  
16    standards used for reviewing the appropriateness of proposed  
17    information technology procurements, set forth in Section 12103.5,  
18    for the purpose of ensuring that the department's assessment  
19    weighs the leveraging of existing information technology  
20    investments against the state's archival needs, business and  
21    interoperability needs, and the public's right to access government  
22    information.

23    (b) Modifications considered by the department and the State  
24    Chief Information Officer shall be for the purpose of assuring that

1 *the review standards do not create a preference for a particular*  
2 *type of technology.*

3 *(c) On or before October 1, 2008, the department shall report*  
4 *to the Legislature on its deliberations and findings pursuant to*  
5 *this section.*

6 ~~SECTION 1. Section 11541.1 is added to the Government~~  
7 ~~Code, to read:~~

8 ~~11541.1. (a) A state agency or department shall only create,~~  
9 ~~exchange, maintain, and preserve all electronically produced text~~  
10 ~~documents, spreadsheets, and presentations in an open file format~~  
11 ~~approved by the State Chief Information Officer. The State Chief~~  
12 ~~Information Officer may approve any open file format that meets~~  
13 ~~all of the following criteria:~~

14 ~~(1) Interoperable among diverse internal and external platforms~~  
15 ~~and applications.~~

16 ~~(2) Fully published and available royalty-free.~~

17 ~~(3) Fully and independently implemented by multiple software~~  
18 ~~providers on multiple platforms without any intellectual property~~  
19 ~~restrictions for necessary technology. An “intellectual property~~  
20 ~~restriction” does not include a right retained by the holder of a~~  
21 ~~patent or copyright to terminate a license or covenant with any~~  
22 ~~person or entity that brings a claim of patent or copyright~~  
23 ~~infringement against the holder.~~

24 ~~(4) Developed and maintained by an open industry organization~~  
25 ~~with a well-defined inclusive process for evolution of the standard.~~

26 ~~(b) A state agency or department shall be able to accept all~~  
27 ~~electronically produced text documents, spreadsheets, and~~  
28 ~~presentations in an open file format approved by the State Chief~~  
29 ~~Information Officer.~~

30 ~~(c) Not later than \_\_\_\_\_, the State Chief Information Officer shall~~  
31 ~~develop guidelines for state agencies and departments to follow~~  
32 ~~in determining whether to convert electronic text, spreadsheets,~~  
33 ~~and presentations existing before January 1, 2008, to an approved~~  
34 ~~open file format. In developing these guidelines, the State Chief~~  
35 ~~Information Officer shall consider all of the following:~~

36 ~~(1) The cost of conversion.~~

37 ~~(2) Potential cost savings of migrating to applications supporting~~  
38 ~~an approved open file format.~~

39 ~~(3) The need to ensure public access.~~

- 1     ~~(4) The expected storage life of the electronic text documents,~~  
2     ~~spreadsheets, and presentations.~~  
3     ~~(d) A state agency or department shall migrate to each open file~~  
4     ~~format approved by the State Chief Information Officer during the~~  
5     ~~regularly scheduled software upgrade cycle immediately after the~~  
6     ~~agency or department receives notice that the State Chief~~  
7     ~~Information Officer approved the open file format.~~